

App. No. 10/707,473
Supplemental Amendment dated September 7, 2005
Reply to Office action of May 3, 2005

REMARKS – Supplemental

Applicant's reply of September 5, 2005 stated,

Neither the Epstein reference, nor any other prior art of record, discloses a shoe structured with a quarter *only unilaterally continuous with the vamp*—that is, continuous with the vamp on one side of the shoe, and discontinuous with the vamp on the other—in particular, none of the prior art of record teaches the vamp being split *from the quarter down one side of the upper*.

Applicant's undersigned representative wishes to qualify the above statement. Namely, two prior art references of record in the present application do appear to disclose a shoe structure in which there is a break between the quarter and vamp on one side of the shoe.

In Applicant's IDS dated May 10, 2004, Japanese Unexamined Pat. App. Pub. No. 2002-177001 (Cite No. F4) and Japanese Utility Model App. Pub. No. S61-66501 (Cite No. F5) were presented to the Examiner. The relevance of each of these two references was explained in that IDS.

Figs. 3 and 4 of Cite No. F4 each illustrate the side of a shoe with a break, from the collar to the sole 1, between the heel portion 9 and the upper portion 2. But the fastening system in Cite No. 4 is simply a pair of zippers 4 and 14 running along the sole edge 3 between the upper portion 2 and the heel portion 9, respectively. It is noted that this shoe requires pulling two zippers shut, and yet does not close the breach on the side of the shoe.

In contrast, in a shoe according to the present invention as set forth in the independent claims as amended on September 5, 2005, a hook-and-pile fastener is provided on the quarter "alongside where the vamp splits from the quarter," and the zipper is provided along a horizontal split "starting in a position on the vamp in the area for the ball of the big toe, running along the toe cap, and reaching to where the vamp is split from the quarter." These features are part and parcel to a unique combination that enables a shoe according to the present invention to be stepped into without obstructing the wearer's foot, and yet fastened securely onto the foot in a single operation that not only closes the vamp onto the sole, but also closes the shoe where the vamp splits from the quarter.

The lone drawing in Cite No. F5 discloses a zipper 6 running from the ball of the big toe to forward of the ankle, and then up a split on the outside of the shoe to the collar. The single zipper 6 zippers the top of the shoe, a covering 7, closed along the sole and up the split. Notwithstanding that operating a zipper around a sharp bend such as in the shoe illustrated in Cite No. 5 is problematic, the fastening

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system of a shoe according to the present invention starkly contrasts that of Cite No. F5.

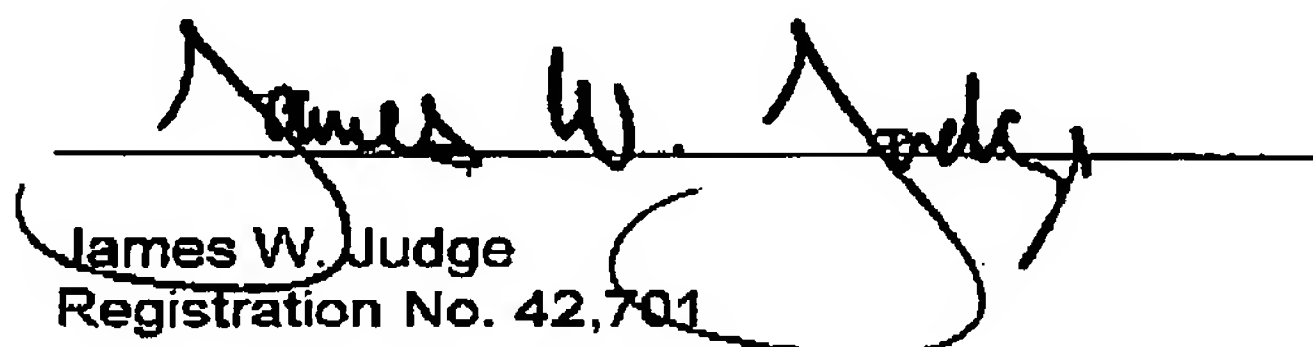
As just noted, in a shoe according to the present invention, the zipper is provided along the horizontal split, reaching to—that is, stopping at—where the vamp is split from the quarter. And instead of the improbable configuration of having the zipper round a sharp bend and continue up the split to the collar, in the present invention a hook-and-pile fastener is provided on the quarter alongside the split, creating a synergistic fastening system that makes it possible to close the shoe securely onto the foot in a one-step, simple operation.

It is believed that the foregoing remarks are necessary lest the remarks in Applicant's reply of September 5, 2005 be construed as misleading. It is further believed that despite any error in the remarks, Applicant's September 5, 2005 reply is fully responsive to the Office action of May 3, 2005, and constitutes a *bona fide* attempt to move the prosecution of the instant application forward.

Favorable action by the Examiner at an early date is solicited.

Respectfully submitted,

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